

PROPOSED OUTDOOR ADVERTISING SIGN  
SCALE: 1/16" = 1'

NOTE: SIGN MESSAGE TO CHANGE ON AN ONGOING BASIS.

BL-CSA

EASTERN AVENUE

HOMBERG AVENUE  
40' 12" W

BL-CSA

BM

DR.16

DR.5.5

- NOTES:
- EXISTING BORING: BM
  - PROPOSED BORING: (NO CHANGE)
  - LOT AREA: 98 A± (NET) 42720 SQFT±
  - SPECIAL EXCEPTION: TO PERMIT AN OUTDOOR ADVERTISING SIGN IN A BM ZONING DISTRICT.
  - VARIANCES: TO PERMIT AN OUTDOOR ADVERTISING SIGN IN A BLOCK WHERE 49 PERCENT OF THE FRONTAGE OF SAID BLOCK IS IMPROVED WITH COMMERCIAL USERS IN LIEU OF THE REQUIRED 50 PERCENT (SECTION 413.3(E)). SEE NOTE 21(E).
  - EXISTING USE: AUTOMOBILE SERVICE, AUTO PARTS, DRY CLEANERS AND PARKING LOT
  - PROPOSED USE: AUTOMOBILE SERVICE, AUTO PARTS, DRY CLEANERS AND PARKING LOT
  - PREVIOUS BORING REVISIONS:  
CASE # 75-60-35A RECLASSIFICATION FROM BL-CSA TO BM, DENIED 10/3/74.  
SPECIAL EXCEPTION FOR LIVING QUARTERS IN A COMMERCIAL BUILDING, GRANTED 10/3/74.  
VARIANCE FOR SEVEN PARKING SPACES INSTEAD OF THE REQUIRED TEN SPACES, GRANTED 10/3/74.

PROPERTY RECOVERED FROM NO BM PER ITEM # 5-065 DURING 1992 COMPREHENSIVE REZONING.

- PREVIOUS COMMERCIAL PERMITS: NO RECORDS AVAILABLE
- OWNERSHIP INFORMATION: JENNINGS EASTERN PARTNERSHIP  
401 EASTERN BOULEVARD  
BALTIMORE, MD 21221

DEED REFERENCE: 8479-239

TAX MAP: 97, GRID: 4, PARCELS: 577, 816, 1030,  
ACCT # 8: 1800014231, 1800008831, 1800008832

CENSUS TRACT: 4505.01

ELECTION DISTRICT NO. 15

COUNTY COUNCIL DISTRICT NO. 15

SETBACK REQUIREMENTS (PROPOSED SIGN LOCATION)

FRONT 5' PROVIDED

SIDE 5' 7' & 206'

REAR NONE 146'

SETBACK AVERAGING COMPUTATIONS:

BLDG W/IN 100' EXISTING SETBACK

WEST - TRIANGLE PAVEN 10'

EAST - NONE W/IN 100'

TOTAL 10'

AVERAGE SETBACK 5'

PARKING NOTE: PROPOSED SIGN LOCATION WILL NOT INTERFERE WITH ANY EXISTING PARKING SPACES, LOADING AREAS OR TRAVEL AISLES.

UTILITIES: SITE IS SERVED BY EXISTING PUBLIC UTILITIES

SIGNS: THERE ARE NO SIGNS PRESENTLY ON THE PROPERTY

BORING NOTES: OUTDOOR ADVERTISING SIGN

SECTION 413.3 (BC2R)

A. THE SURFACE AREA OF THE PROPOSED SIGN INCLUDES THE ENTIRE FACE OR FACES OF THE SIGN. (SEE ELEVATION)

B. THE SIGN DOES NOT PROJECT INTO THE STREET RIGHT-OF-WAY.

C. THE SIGN HAS BEEN LOCATED TO ALLOW CLEAR AND AMPLE VISUAL SIGHT LINES FROM ALL EXISTING DRIVEWAYS AND STREET INTERSECTIONS.

D. THE SIGN SHALL NOT EXTEND MORE THAN 25 FEET ABOVE THE LEVEL OF THE STREET (EASTERN AVENUE).

E. THE SIGN WILL BE ILLUMINATED IN SUCH A WAY TO AVOID GLARE AND REFLECTION ONTO ADJACENT ROADS, ONCOMING VEHICLES OR ONTO ANY ADJACENT RESIDENTIAL PREMISES. LIGHTING WILL BE MOUNTED ON THE TOP OF THE SIGN AND AIMED DIRECTLY AT THE SURFACE OF THE SIGN.

F. THERE ARE NO EXISTING OUTDOOR ADVERTISING SIGNS WITHIN 500 FEET OF THE PROPOSED SIGN LOCATION.

G. N/A

H. N/A

I. N/A

SECTION 413.5 (BC2R)

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H. N/A

I. N/A

APPLICANT:

PENN ADVERTISING  
OF BALTIMORE, INC.  
3001 REMINGTON AVENUE  
BALTIMORE, MD 21211

## PLAN TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE APPLICATION

1017 EASTERN AVENUE  
BALTIMORE COUNTY, MARYLAND

WILLIAM MONK, INC.  
PLANNING • LANDSCAPE DESIGN  
ENVIRONMENTAL RESOURCE MANAGEMENT  
COURTHOUSE COMMONS  
1000 E. JONES RD.  
TOWSON, MARYLAND 21204  
(410) 484-1951

DATE: 3/14/94 JOB NO: 94-13 SCALE: 1"=20'

53 AC. +/- GROSS 32,000 +/- SQ. FT.  
44 AC. +/- NET 30,000 +/- SQ. FT.

PETITIONER'S  
EXHIBIT 1  
94-1393-  
#379



**Maryland Department of Transportation  
State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

4-13-94

Re: Baltimore County  
Item No. 4379 (MJK)

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
for **DAVID M. HANCOCK, ACTING CHIEF**  
John Conterio, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2253 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**Baltimore County Government  
Fire Department**

700 East Joppa Road, Suite 901  
Towson, MD 21286-5500 (410) 887-4500

DATE: 04/27/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner:  
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 374, 377, 378, 379, 380, 381, 383, 384, 385, and 386. *PH*

**RECEIVED**  
APR 28 1994  
**ZADM**

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, RS-1102F

cc: File

Printed on Recycled Paper

**BALTIMORE COUNTY, MARYLAND** *See 94-393-XA 5/17*

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: May 5, 1994

SUBJECT: 1017 Eastern Avenue

**INFORMATION:**

Item Number: 379

Petitioner: Jennings Eastern Partnership

Property Size: \_\_\_\_\_

Zoning: B.M.

Requested Action: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

**SUMMARY OF RECOMMENDATIONS:**

Based upon a review of the information provided, staff offers the following comments:

The petitioner requests a Special Exception for an illuminated two-sided, side-by-side outdoor advertising sign, and a Variance to permit an outdoor advertising sign in a block where 49% of the available frontage is improved with commercial users in lieu of the required 50%.

This office recognizes that high standards for signs enhance the aesthetic appearance of the community and the ability of the commercial sector to thrive in an attractive environment.

Staff believes the control of outdoor advertising signs is essential in protecting the health, safety and welfare of the citizens of Baltimore County. In certain locations, the unique scale and design of outdoor advertising signs clearly compromises public safety since these signs are distracting. The very purpose of an outdoor advertising sign is to attract the attention of motor vehicle operators in order to convey a commercial message.

The problem of competitive waste is of concern to staff. Excessively large signs serve to encourage some business people to increase signage in order to compete for the attention of passersby.

ZAC, 379/PZONP/ZAC1 Pg. 1

The Office of Planning and Zoning does not oppose the applicant's request for the reasons as follows:

The site is located along a commercial corridor, existing trees and shrubs provide an appropriate buffer, and the degree of the requested Variance is negligible.

Prepared by: Jeffrey M. Lee

Division Chief: Caryl L. Kern

PK/JL:lw

ZAC, 379/PZONP/ZAC1 Pg. 2

**PETITION FOR SPECIAL EXCEPTION** : BEFORE THE  
S/S Eastern Avenue, 107' E of c/1  
Humber Avenue (1017 Eastern Ave.), : ZONING COMMISSIONER  
15th Election Dist., 5th Council- : OF BALTIMORE COUNTY  
manic Dist. :

**PETITIONER :** : CASE NO: 94-393-XA  
JENNINGS EASTERN PARTNERSHIP

**ENTRY OF APPEARANCE**

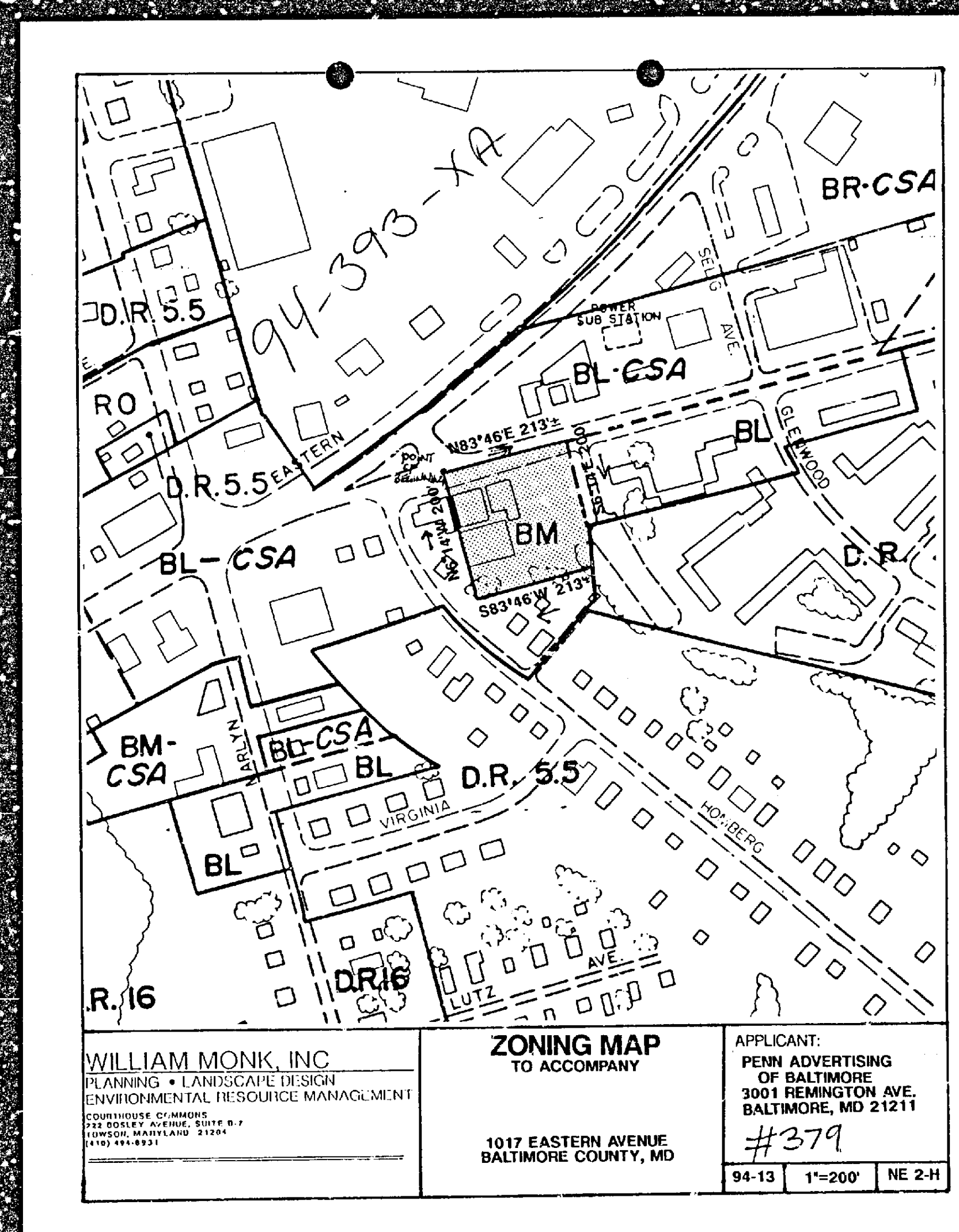
Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
Peter Max Zimmerman  
People's Counsel for Baltimore County

*Carol S. DeMilio*  
Carol S. DeMilio  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-2188

I HEREBY CERTIFY THAT on this 4th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Fred M. Lauer, Esq., 3001 Remington Avenue, Baltimore, MD 21211, Attorney for Petitioners.

*Peter Max Zimmerman*  
Peter Max Zimmerman



*Petitioner's  
Exhibits 2A-  
2D  
94-393-XA*





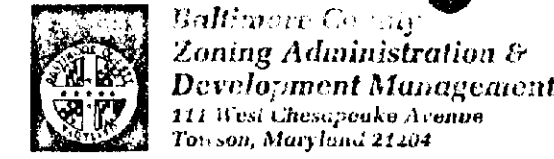
**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 13th Date of Posting: 4/19/94  
Posted for: Special Exception Hearing  
Petitioner: Lawrence E. Schmidt, Jr., 1017 Eastern Avenue  
Location of property: 1017 Eastern Ave., Sp. 101 E/Hawthorne  
Location of Sign: Lawrence E. Schmidt, Jr., 1017 Eastern Ave.  
Remarks: \_\_\_\_\_  
Posted by: Lawrence E. Schmidt, Jr. Date of return: 4/22/94  
Number of Signs: 2

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., April 22, 1994  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 21, 1994.

THE JEFFERSONIAN,  
A. Hennehan  
LEGAL AD. - TOWSON



**receipt**  
94-393-XA  
Date: 4/15/94 Number: 379  
Jennings (Penn Advertising) - 1017 Eastern Avenue  
OSU - Special Exception - \$ 300.00  
OSU - Penn Advertising - \$ 750.00  
OSU - Sign (var.) - \$ 25.00  
OSU - Sign (var.) - \$ 25.00  
Total \$ 620.00  
Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

# 371

(410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl Jablon  
ARNOLD JABLON, DIRECTOR

**For newspaper advertising:**

Item No.: 379  
Petitioner: Penn Advertising of Balto, Inc.  
Location: 1017 Eastern Avenue

**PLEASE FORWARD ADVERTISING BILL TO:**

NAME: Penn Advertising  
ADDRESS: 3001 Remington Avenue  
Ba. Ho. MD 21211  
PHONE NUMBER: 235-8820

MUST BE SUPPLIED

Item Number: 379  
Planner: MJK  
Date Filed: 4-19-94

**PETITION PROCESSING FLAG**

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney ☒  
The following information is missing:  
☒ Descriptions, including accurate beginning point  
☐ Actual address of property  
☐ Zoning  
☐ Acreage  
☐ Maps (need 12, only 1 submitted)  
☐ 200 scale zoning map with property outlined  
☐ Election district  
☐ Councilmanic district  
☐ DCZA section information and/or wording  
☐ Hardship/practical difficulty information  
☐ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number  
☐ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address  
☒ Signature (need minimum 1 original signature) and/or printed name and/or address  
☐ Title of person signing for legal owner/~~owner/purchaser~~  
☐ Power of attorney or authorization for person signing for legal owner and/or contract purchaser  
☐ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number  
☐ Notary Public's section is incomplete and/or incorrect and/or commission has expired  
☒ TITLE OF PERSON SIGNING FOR CONTRACT LESSEE

PET-FLAG (TXTSOPH)  
11/17/93

TO: FUTURE PUBLISHING COMPANY  
April 21, 1994 Issue - Jeffersonian

Please forward billing to:  
Penn Advertising of Baltimore, Inc.  
3001 Remington Avenue  
Baltimore, Maryland 21211  
235-8820

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-393-XA (Item 379)  
1017 Eastern Avenue  
S/S Eastern Avenue, 1017 E of c/l Remington Avenue  
5th Election District - 5th Councilmanic  
Legal Owner(s): Jennings Eastern Partnership  
Contract Purchaser(s): Penn Advertising of Baltimore, Inc.  
HEARING: TUESDAY, MAY 17, 1994 at 10:00 a.m., Rm. 118, Old Courthouse.

Special Exception for two 12 feet by 25 feet illuminated, side-by-side, advertising sign structure. Variance to permit an outdoor advertising sign in a block where 49 percent of the available frontage of said block is improved with commercial users in lieu of the required 50 percent.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204  
APRIL 14, 1994

(410) 887-3353

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Carl Jablon  
ARNOLD JABLON  
Director

cc: Jennings Eastern Partnership  
Penn Advertising of Baltimore, Inc./ Fred M. Lauer, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

May 6, 1994

Mr. Garry Jennings  
Jennings Eastern Partnership  
601 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Case No. 94-393-XA, Item No. 379  
Petitioner: Jennings Eastern Partnership  
Petitions for Variance and Special Exception

Dear Mr. Jennings:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted, with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvement's that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 5, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: May 2, 1994  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, Chief  
Developers Engineering Section  
RE: Zoning Advisory Committee Meeting  
for April 25, 1994  
Item No. 379

The Developers Engineering Section has reviewed the subject zoning item. The existing trees next to the proposed sign, which are located on the adjacent property, should not be disturbed.

RWB:s



IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - S/S Eastern Ave. 1017 E of c/l of Homberg Ave. (1017 Eastern Avenue) 15th Election District - 5th Councilmanic District Jennings Eastern Partnership Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 1017 Eastern Avenue located in the Essex area of southeastern Baltimore County. The Petitions were filed by the owner of the property, Jennings Eastern Partnership, by Garry Jennings, and the Contract Lessee, Penn Advertising of Baltimore, Inc., by Donna Hayward Lorber, through their attorney, Fred M. Lauer, Esquire. The Petitioners seek relief from Section 413.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the placement of two (2) 12' x 25' illuminated, side-by-side, outdoor advertising signs on the subject property. In addition to the special exception relief sought, the Petitioners seek a variance from Section 413.3(e) of the B.C.Z.R. to permit said outdoor advertising sign to be located in a block where 49 percent of the available frontage of said block is improved with commercial users in lieu of the required 50 percent. The property and the relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Donna Lorber and Fred M. Lauer, Esquire for Penn Advertising of Baltimore, Inc. There were no Protestants present.

Testimony revealed that the subject property consists of a gross area of 1.13 acres, zoned B.M. and is improved with two adjoining commercial buildings and accessory parking areas. The Petitioners have entered into a contract to lease a small portion of the property in the northeast corner of the site for the placement of two (2), back to back outdoor advertising signs, 12' x 25' in dimension, in accordance with Petitioner's Exhibit 1. Testimony and evidence presented indicated that the proposed sign will be located within an area of commercial uses and is buffered from adjoining residential uses by existing trees and shrubs. Further testimony indicated that the subject sign meets the spirit and intent of the zoning regulations and will not result in any detriment to the health, safety or general welfare of the surrounding locale. It should also be noted that this Office received favorable comments from the Office of Planning and Zoning dated May 5, 1994 in which they point out the fact that the variance relief sought is minimal and should therefore be granted.

It is clear that the B.C.Z.R. permits the use proposed in a B.M. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any ad-

verse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public health, safety or general

welfare. Furthermore, as noted above, the relief sought is minimal and would result in a practical difficulty and unreasonable hardship if denied.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23<sup>rd</sup> day of May, 1994 that the Petition for Special Exception to permit the placement of two (2) 12' x 25' illuminated, side-by-side, outdoor advertising signs on the subject property, pursuant to Section 413.3 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.3(e) of the B.C.Z.R. to permit said outdoor advertising sign to be located in a block where 49 percent of the available frontage of said block is improved with commercial users in lieu of the required 50 percent, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this order is reversed, the relief granted herein shall be rescinded.
- 2) The trees and shrubs on the adjacent property near the location for the proposed signs shall not be disturbed.

Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
401 Washington Avenue  
Towson, MD 21204

May 23, 1994

(410) 887-4386

Fred M. Lauer, Esquire  
3001 Remington Avenue  
Baltimore, Maryland 21211

RE: PETITION FOR VARIANCE  
S/S Eastern Avenue, 1017 E of c/l of Homberg Avenue  
(1017 Eastern Avenue)  
15th Election District - 5th Councilmanic District  
Jennings Eastern Partnership - Petitioner  
Case No. 94-393-XA

Dear Mr. Lauer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Garry Jennings, Jennings Eastern Partnership  
601 Eastern Boulevard, Baltimore, Md. 21221

People's Counsel  
file

**Petition for Special Exception**  
to the Zoning Commissioner of Baltimore County  
for the property located at 1017 Eastern Avenue  
which is presently zoned EM

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

Two (2) 12' x 25' illuminated, side-by-side, advertising sign structure per section 413.3 B.C.Z.R.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee  
Penn Advertising of Baltimore, Inc.  
(Type or Print Name)

X Donna Hayward Lorber  
Signature  
3001 Remington Avenue  
Baltimore, MD 21211  
City State Zipcode

Attorney for Petitioner:  
Fred M. Lauer, esq.  
(Type or Print Name)

X Fred M. Lauer  
Signature  
3001 Remington Avenue 235-8820  
Baltimore, MD 21211  
City State Zipcode

Legal Owner(s)  
Jennings Eastern Partnership  
(Type or Print Name)

X Garry Jennings  
Signature  
(Type or Print Name)

Address  
601 Eastern Boulevard 686-6700  
Baltimore, MD 21221  
City State Zipcode

Name  
Address  
Phone No.

ESTIMATED LENGTH OF HEARING  
unavailable for hearing  
the following date  
Next Two Months

ALL OTHER  
REVIEWED BY: TMK DATE: 5/15/94

ORDER RECEIVED FOR FILING  
Date 5/23/94  
By TMK

**Petition for Variance**  
to the Zoning Commissioner of Baltimore County  
for the property located at 1017 Eastern Avenue  
which is presently zoned EM

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.3 (e) to permit an outdoor advertising sign in a block where 49 percent of the available frontage of said block is improved with commercial users in lieu of the required 50 percent.

The adjacent property is used for multi-residential purposes, however, it is zoned BL. Therefore, the entire block is zoned for commercial use.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee  
Penn Advertising of Baltimore, Inc.  
(Type or Print Name)

X Donna Hayward Lorber  
Signature  
3001 Remington Avenue  
Baltimore, MD 21211  
City State Zipcode

Attorney for Petitioner:  
Fred M. Lauer, esq.  
(Type or Print Name)

X Fred M. Lauer  
Signature  
3001 Remington Avenue 235-8820  
Baltimore, MD 21211  
City State Zipcode

Legal Owner(s)  
Jennings Eastern Partnership  
(Type or Print Name)

X Garry Jennings  
Signature  
(Type or Print Name)

Address  
601 Eastern Boulevard 686-6700  
Baltimore, MD 21221  
City State Zipcode

Name  
Address  
Phone No.

ESTIMATED LENGTH OF HEARING  
unavailable for hearing  
the following date  
Next Two Months

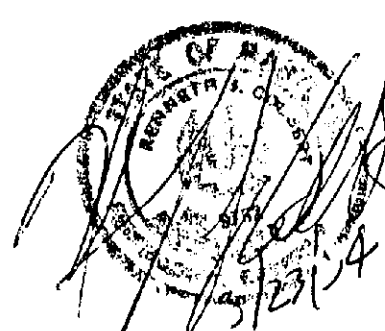
ALL OTHER  
REVIEWED BY: TMK DATE: 5/15/94

ORDER RECEIVED FOR FILING  
Date 5/23/94  
By TMK

ZONING DESCRIPTION  
PENN ADVERTISING  
1017 EASTERN AVENUE

BEGINNING FOR THE SAME AT A POINT ON THE SOUTH SIDE OF EASTERN AVENUE, 80 FEET WIDE, 107 FEET MORE OR LESS EAST OF FROM CENTERLINE OF HOMBERG AVENUE; THENCE BEGINNING ON SAID RIGHT-OF-WAY AND RUNNING NORTH 83 DEGREES 46 MINUTES EAST, 213 FEET; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING SOUTH 06 DEGREES 14 MINUTES EAST, 200 FEET TO THE NORTH SIDE OF AN ALLEY, 15 FEET WIDE; THENCE BEGINNING ON SAID ALLEY AND RUNNING SOUTH 83 DEGREES 46 MINUTES WEST, 213 FEET; THENCE LEAVING SAID ALLEY AND RUNNING NORTH 06 DEGREES 14 MINUTES WEST, 200 FEET TO THE POINT OF BEGINNING.

CONTAINING 42,720 SQUARE FEET OF LAND MORE OR LESS.



# 379



\_\_\_\_\_



**Maryland Department of Transportation  
State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

4-13-94

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 4379 (MJK)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
for **DAVID M. HANCOCK, ACTING CHIEF**  
John Conterio, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2253 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**Baltimore County Government  
Fire Department**

700 East Joppa Road, Suite 901  
Towson, MD 21286-5500 (410) 887-4500

DATE: 04/27/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner:  
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 374, 377, 378, 379, 380, 381, 383, 384, 385, and 386. *PH*

**RECEIVED**  
APR 28 1994  
**ZADM**

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, RS-1102F

cc: File

Printed on Recycled Paper

**BALTIMORE COUNTY, MARYLAND** *See 94-393-XA 5/17*

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: May 5, 1994

SUBJECT: 1017 Eastern Avenue

**INFORMATION:**

Item Number: 379

Petitioner: Jennings Eastern Partnership

Property Size: \_\_\_\_\_

Zoning: B.M.

Requested Action: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

**SUMMARY OF RECOMMENDATIONS:**

Based upon a review of the information provided, staff offers the following comments:

The petitioner requests a Special Exception for an illuminated two-sided, side-by-side outdoor advertising sign, and a Variance to permit an outdoor advertising sign in a block where 49% of the available frontage is improved with commercial users in lieu of the required 50%.

This office recognizes that high standards for signs enhance the aesthetic appearance of the community and the ability of the commercial sector to thrive in an attractive environment.

Staff believes the control of outdoor advertising signs is essential in protecting the health, safety and welfare of the citizens of Baltimore County. In certain locations, the unique scale and design of outdoor advertising signs clearly compromises public safety since these signs are distracting. The very purpose of an outdoor advertising sign is to attract the attention of motor vehicle operators in order to convey a commercial message.

The problem of competitive waste is of concern to staff. Excessively large signs serve to encourage some business people to increase signage in order to compete for the attention of passersby.

ZAC, 379/PZONP/ZAC1 Pg. 1

The Office of Planning and Zoning does not oppose the applicant's request for the reasons as follows:

The site is located along a commercial corridor, existing trees and shrubs provide an appropriate buffer, and the degree of the requested Variance is negligible.

Prepared by: *Jeffrey M. Lee*

Division Chief: *Caryl L. Lewis*

PK/JL:lw

ZAC, 379/PZONP/ZAC1 Pg. 2

**PETITION FOR SPECIAL EXCEPTION** : BEFORE THE  
S/S Eastern Avenue, 107' E of c/1  
Humber Avenue (1017 Eastern Ave.), : ZONING COMMISSIONER  
15th Election Dist., 5th Council- : OF BALTIMORE COUNTY  
manic Dist. :

**PETITIONER :** : CASE NO: 94-393-XA  
JENNINGS EASTERN PARTNERSHIP

**ENTRY OF APPEARANCE**

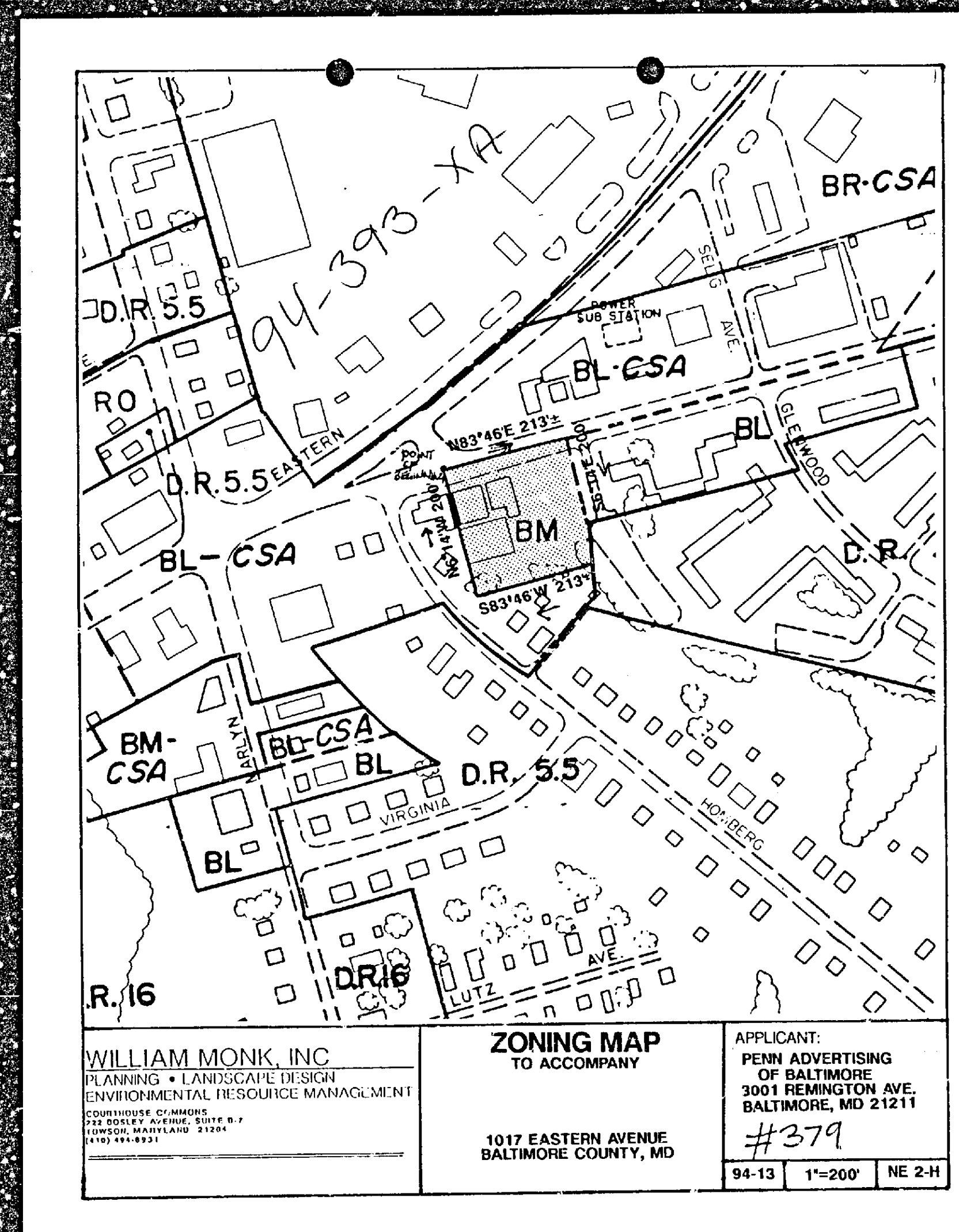
Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
Peter Max Zimmerman  
People's Counsel for Baltimore County

*Carole S. D'Amico*  
Carole S. D'Amico  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-2188

I HEREBY CERTIFY THAT on this 4th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Fred M. Lauer, Esq., 3001 Remington Avenue, Baltimore, MD 21211, Attorney for Petitioners.

*Peter Max Zimmerman*  
Peter Max Zimmerman



*Petitioner's  
Exhibits 2A-  
2D  
94-393-XA*





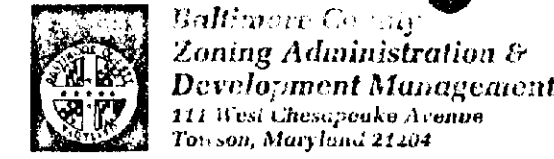
**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 13th Date of Posting: 4/19/94  
Posted for: Special Exception Hearing  
Petitioner: Lawrence E. Schmidt, Jr., 1017 Eastern Avenue  
Location of property: 1017 Eastern Ave., Sp. 101 E. Haverly  
Location of Sign: Lawrence E. Schmidt, Jr., 1017 Eastern Ave.  
Remarks: \_\_\_\_\_  
Posted by: Lawrence E. Schmidt, Jr. Date of return: 4/22/94  
Number of Signs: 2

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., April 22, 1994  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 21, 1994.

THE JEFFERSONIAN,  
A. Hennehan  
LEGAL AD. - TOWSON



**receipt**  
94-393-XA  
Date: 4/15/94  
Jennings (Penn Advertising) - 1017 Eastern Avenue  
OSU - Special Exception - \$ 300.00  
OSU - Penn Advertising - \$ 750.00  
OSU - Sign (var.) - \$ 25.00  
OSU - Sign (var.) - \$ 25.00  
Total \$ 620.00  
Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl Jablon  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 379

Petitioner: Penn Advertising of Balto, Inc.

Location: 1017 Eastern Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Penn Advertising

ADDRESS: 3001 Remington Avenue

Ba. Ho. MD 21211

\* PHONE NUMBER: 235-8820

MUST BE SUPPLIED

Item Number: 379  
Planner: MJK  
Date Filed: 4-19-94

**PETITION PROCESSING FLAG**

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney \_\_\_\_\_  
The following information is missing:  
Descriptions, including accurate beginning point \_\_\_\_\_  
Actual address of property \_\_\_\_\_  
Zoning \_\_\_\_\_  
Acreage \_\_\_\_\_  
Plats (need 12, only \_\_\_\_\_ submitted) \_\_\_\_\_  
200 scale zoning map with property outlined \_\_\_\_\_  
Election district \_\_\_\_\_  
Councilmanic district \_\_\_\_\_  
DCR section information and/or wording \_\_\_\_\_  
Hardship/practical difficulty information \_\_\_\_\_  
Owner's signature (need minimum 1 original signature) and/or \_\_\_\_\_  
printed name and/or address and/or telephone number \_\_\_\_\_  
Contract purchaser's signature (need minimum 1 original \_\_\_\_\_  
signature) and/or printed name and/or address \_\_\_\_\_  
Signature (need minimum 1 original signature) and/or \_\_\_\_\_  
printed name and/or address and/or telephone number \_\_\_\_\_  
Power of attorney or authorization for person signing for legal \_\_\_\_\_  
owner and/or contract purchaser \_\_\_\_\_  
Attorney's signature (need minimum 1 original signature) \_\_\_\_\_  
and/or printed name and/or address and/or telephone number \_\_\_\_\_  
Notary Public's section is incomplete and/or incorrect \_\_\_\_\_  
and/or commission has expired \_\_\_\_\_  
TITLE OF PERSON SIGNING FOR CONTRACT LESSEE \_\_\_\_\_

PET-FLAG (TXTSOPH)  
11/17/93

TO: FUTURE PUBLISHING COMPANY  
April 21, 1994 Issue - Jeffersonian

Please forward billing to:  
Penn Advertising of Baltimore, Inc.  
3001 Remington Avenue  
Baltimore, Maryland 21211  
235-8820

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-393-XA (Item 379)  
1017 Eastern Avenue  
S/S Eastern Avenue, 1017 E of c/l Haverly Avenue  
5th Election District - 5th Councilmanic  
Legal Owner(s): Jennings Eastern Partnership  
Contract Purchaser(s): Penn Advertising of Baltimore, Inc.  
HEARING: TUESDAY, MAY 17, 1994 at 10:00 a.m., Rm. 118, Old Courthouse.

Special Exception for two 12 feet by 25 feet illuminated, side-by-side, advertising sign structure. Variance to permit an outdoor advertising sign in a block where 49 percent of the available frontage of said block is improved with commercial users in lieu of the required 50 percent.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-393-XA (Item 379)  
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S/S Eastern Avenue, 1017 E of c/l Haverly Avenue  
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Contract Purchaser(s): Penn Advertising of Baltimore, Inc.  
HEARING: TUESDAY, MAY 17, 1994 at 10:00 a.m., Rm. 118, Old Courthouse.

Special Exception for two 12 feet by 25 feet illuminated, side-by-side, advertising sign structure. Variance to permit an outdoor advertising sign in a block where 49 percent of the available frontage of said block is improved with commercial users in lieu of the required 50 percent.

Carl Jablon  
ARNOLD JABLON  
Director

cc: Jennings Eastern Partnership  
Penn Advertising of Baltimore, Inc./ Fred M. Lawer, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

May 6, 1994

Mr. Garry Jennings  
Jennings Eastern Partnership  
601 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Case No. 94-393-XA, Item No. 379  
Petitioner: Jennings Eastern Partnership  
Petitions for Variance and Special Exception

Dear Mr. Jennings:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted, with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvement's that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 5, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: May 2, 1994  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, Chief  
Developers Engineering Section  
RE: Zoning Advisory Committee Meeting  
for April 25, 1994  
Item No. 379

The Developers Engineering Section has reviewed the subject zoning item. The existing trees next to the proposed sign, which are located on the adjacent property, should not be disturbed.

RWB:s



IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - S/S Eastern Ave. 1017 E of c/l of Homberg Ave. (1017 Eastern Avenue) 15th Election District - 5th Councilmanic District Jennings Eastern Partnership Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 1017 Eastern Avenue located in the Essex area of southeastern Baltimore County. The Petitions were filed by the owner of the property, Jennings Eastern Partnership, by Garry Jennings, and the Contract Lessee, Penn Advertising of Baltimore, Inc., by Donna Hayward Lorber, through their attorney, Fred M. Lauer, Esquire. The Petitioners seek relief from Section 413.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the placement of two (2) 12' x 25' illuminated, side-by-side, outdoor advertising signs on the subject property. In addition to the special exception relief sought, the Petitioners seek a variance from Section 413.3(e) of the B.C.Z.R. to permit said outdoor advertising sign to be located in a block where 49 percent of the available frontage of said block is improved with commercial users in lieu of the required 50 percent. The property and the relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Donna Lorber and Fred M. Lauer, Esquire for Penn Advertising of Baltimore, Inc. There were no Protestants present.

Testimony revealed that the subject property consists of a gross area of 1.13 acres, zoned B.M. and is improved with two adjoining commercial buildings and accessory parking areas. The Petitioners have entered into a contract to lease a small portion of the property in the northeast corner of the site for the placement of two (2), back to back outdoor advertising signs, 12' x 25' in dimension, in accordance with Petitioner's Exhibit 1. Testimony and evidence presented indicated that the proposed sign will be located within an area of commercial uses and is buffered from adjoining residential uses by existing trees and shrubs. Further testimony indicated that the subject sign meets the spirit and intent of the zoning regulations and will not result in any detriment to the health, safety or general welfare of the surrounding locale. It should also be noted that this Office received favorable comments from the Office of Planning and Zoning dated May 5, 1994 in which they point out the fact that the variance relief sought is minimal and should therefore be granted.

It is clear that the B.C.Z.R. permits the use proposed in a B.M. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any ad-

verse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public health, safety or general

welfare. Furthermore, as noted above, the relief sought is minimal and would result in a practical difficulty and unreasonable hardship if denied.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23<sup>rd</sup> day of May, 1994 that the Petition for Special Exception to permit the placement of two (2) 12' x 25' illuminated, side-by-side, outdoor advertising signs on the subject property, pursuant to Section 413.3 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.3(e) of the B.C.Z.R. to permit said outdoor advertising sign to be located in a block where 49 percent of the available frontage of said block is improved with commercial users in lieu of the required 50 percent, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this order is reversed, the relief granted herein shall be rescinded.
- 2) The trees and shrubs on the adjacent property near the location for the proposed signs shall not be disturbed.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
401 Washington Avenue  
Towson, MD 21214

May 23, 1994

(410) 887-4386

Fred M. Lauer, Esquire  
3001 Remington Avenue  
Baltimore, Maryland 21211

RE: PETITION FOR VARIANCE  
S/S Eastern Avenue, 1017 E of c/l of Homberg Avenue  
(1017 Eastern Avenue)  
15th Election District - 5th Councilmanic District  
Jennings Eastern Partnership - Petitioner  
Case No. 94-393-XA

Dear Mr. Lauer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Garry Jennings, Jennings Eastern Partnership  
601 Eastern Boulevard, Baltimore, Md. 21221

People's Counsel  
file



**Petition for Special Exception**  
to the Zoning Commissioner of Baltimore County  
for the property located at 1017 Eastern Avenue  
which is presently zoned EM

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

Two (2) 12' x 25' illuminated, side-by-side, advertising sign structure per section 413.3 B.C.Z.R.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee  
Penn Advertising of Baltimore, Inc.  
(Type or Print Name)

X *Donna Hayward Lorber*  
Signature  
3001 Remington Avenue  
Baltimore, MD 21211  
City State Zipcode

Attorney for Petitioner:  
Fred M. Lauer, esq.  
(Type or Print Name)  
X *Fred M. Lauer*  
Signature  
3001 Remington Avenue 235-8820  
Baltimore, MD 21211  
City State Zipcode

Legal Owner(s)  
Jennings Eastern Partnership  
(Type or Print Name)  
X *Garry Jennings*  
Signature  
(Type or Print Name)

Address 601 Eastern Boulevard 686-6700  
Baltimore, MD 21221  
City State Zipcode  
Name  
Address Phone No.  
ESTIMATED LENGTH OF HEARING  
unavailable for hearing  
the following date  
Next Two Months  
ALL OTHER  
REVIEWED BY: *TMK* DATE: 5/15/94

ORDER RECEIVED FOR FILING  
Date 5/23/94  
By *TMK*



**Petition for Variance**  
to the Zoning Commissioner of Baltimore County  
for the property located at 1017 Eastern Avenue  
which is presently zoned EM

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.3 (e) to permit an outdoor advertising sign in a block where 49 percent of the available frontage of said block is improved with commercial users in lieu of the required 50 percent.

The adjacent property is used for multi-residential purposes, however, it is zoned BL. Therefore, the entire block is zoned for commercial use.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee  
Penn Advertising of Baltimore, Inc.  
(Type or Print Name)

X *Donna Hayward Lorber*  
Signature  
3001 Remington Avenue  
Baltimore, MD 21211  
City State Zipcode

Attorney for Petitioner:  
Fred M. Lauer, esq.  
(Type or Print Name)  
X *Fred M. Lauer*  
Signature  
3001 Remington Avenue 235-8820  
Baltimore, MD 21211  
City State Zipcode

Legal Owner(s)  
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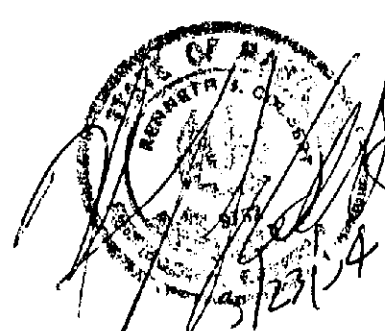
ORDER RECEIVED FOR FILING  
Date 5/23/94  
By *TMK*

94-393-XA

ZONING DESCRIPTION  
PENN ADVERTISING  
1017 EASTERN AVENUE

BEGINNING FOR THE SAME AT A POINT ON THE SOUTH SIDE OF EASTERN AVENUE, 80 FEET WIDE, 107 FEET MORE OR LESS EAST OF FROM CENTERLINE OF HOMBERG AVENUE; THENCE BEGINNING ON SAID RIGHT-OF-WAY AND RUNNING NORTH 83 DEGREES 46 MINUTES EAST, 213 FEET; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING SOUTH 06 DEGREES 14 MINUTES EAST, 200 FEET TO THE NORTH SIDE OF AN ALLEY, 15 FEET WIDE; THENCE BEGINNING ON SAID ALLEY AND RUNNING SOUTH 83 DEGREES 46 MINUTES WEST, 213 FEET; THENCE LEAVING SAID ALLEY AND RUNNING NORTH 06 DEGREES 14 MINUTES WEST, 200 FEET TO THE POINT OF BEGINNING.

CONTAINING 42,720 SQUARE FEET OF LAND MORE OR LESS.



# 379